



General Assembly

Substitute Bill No. 6403

January Session, 2009

* _____ HB06403JUD _____ 042209 _____ *

**AN ACT CONCERNING ACCESS TO RECORDS OF THE
DEPARTMENT OF CHILDREN AND FAMILIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-28 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) As used in this section:

4 (1) "Person" means (A) any individual named in a record,
5 maintained by the department, who (i) is presently or at any prior time
6 was a ward of or committed to the commissioner for any reason; (ii)
7 otherwise received services, voluntarily or involuntarily, from the
8 department; or (iii) is presently or was at any prior time the subject of
9 an investigation by the department; (B) [the] a parent whose parental
10 rights have not been terminated or current guardian of [a person, as
11 defined] an individual described in subparagraph (A) of this
12 subdivision, if such [person] individual is a minor; or (C) the
13 authorized representative of [a person] an individual, as defined in
14 subparagraph (A) of this subdivision, if such person is deceased;

15 (2) "Attorney" means the licensed attorney authorized to assert the
16 confidentiality of or right of access to records of a person;

17 (3) "Authorized representative" means a parent, guardian, guardian

18 ad litem, attorney, conservator or other individual authorized to assert
19 the confidentiality of or right of access to records of a person;

20 (4) "Consent" means permission given in writing by a person, [his]
21 the person's attorney or [his] authorized representative to disclose
22 specified information, within a limited time period, regarding the
23 person to specifically identified individuals or entities;

24 (5) "Records" means information created or obtained in connection
25 with the department's child protection activities or other activities
26 related to a child while in the care or custody of the department,
27 including information in the registry of reports to be maintained by the
28 commissioner pursuant to section 17a-101k, as amended by this act,
29 provided records which are not created by the department are not
30 subject to disclosure, except as provided pursuant to subsection [(f), (l)
31 or (n)] (g) or (h) of this section;

32 (6) "Disclose" means (A) to provide an oral summary of records
33 maintained by the department to an individual, agency, corporation or
34 organization, or (B) to allow an individual, agency, corporation or
35 organization to review or obtain copies of such records in whole, part
36 or summary form;

37 (7) "Near fatality" means an act, as certified by a physician, that
38 places a child in serious or critical condition.

39 (b) Notwithstanding the provisions of section 1-210, 1-211 or 1-213,
40 records maintained by the department shall be confidential and [shall
41 not be disclosed. Such records of any person] may only be disclosed, in
42 whole or in part, to any individual, agency, corporation or
43 organization with the consent of the person or as provided in this
44 section. Any unauthorized disclosure shall be punishable by a fine of
45 not more than one thousand dollars or imprisonment for not more
46 than one year, or both.

47 [(c) When information concerning an incident of abuse or neglect
48 has been made public or when the commissioner reasonably believes

49 publication of such information is likely, the commissioner or the
50 commissioner's designee may disclose, with respect to an investigation
51 of such abuse or neglect: (1) Whether the department has received a
52 report in accordance with sections 17a-101a to 17a-101c, inclusive, or
53 section 17a-103, and (2) in general terms, any action taken by the
54 department, provided (A) the names or other individually identifiable
55 information of the minor victim or other family member is not
56 disclosed, and (B) the name or other individually identifiable
57 information of the person suspected to be responsible for the abuse or
58 neglect is not disclosed unless the person has been arrested for a crime
59 due to such abuse or neglect.

60 (d) The commissioner shall make available to the public, without
61 the consent of the person, information in general terms or findings
62 concerning an incident of abuse or neglect which resulted in a child
63 fatality or near fatality of a child, provided disclosure of such
64 information or findings does not jeopardize a pending investigation.]

65 (c) Notwithstanding any provision of the general statutes, records
66 that (1) contain privileged communications, or (2) are confidential
67 pursuant to any federal law or regulation shall not be disclosed except
68 as authorized by law.

69 (d) Any information disclosed from a person's record shall not be
70 further disclosed to another individual or entity without the written
71 consent of the person, unless a court of competent jurisdiction orders
72 such disclosure.

73 (e) The commissioner shall, upon written request, disclose the
74 following information concerning agencies licensed by the Department
75 of Children and Families, except foster care parents, relatives of the
76 child who are certified to provide foster care or prospective adoptive
77 families: (1) The name of the licensee; (2) the date the original license
78 was issued; (3) the current status of the license; (4) whether an agency
79 investigation or review is pending or has been completed; and (5) any
80 licensing action taken by the department at any time during the period

81 such license was issued and the reason for such action, provided
82 disclosure of such information will not jeopardize a pending
83 investigation.

84 [(f) The commissioner or the commissioner's designee shall, upon
85 request, promptly provide copies of records, without the consent of a
86 person, to (1) a law enforcement agency, (2) the Chief State's Attorney,
87 or the Chief State's Attorney's designee, or a state's attorney for the
88 judicial district in which the child resides or in which the alleged abuse
89 or neglect occurred, or the state's attorney's designee, for purposes of
90 investigating or prosecuting an allegation of child abuse or neglect, (3)
91 the attorney appointed to represent a child in any court in litigation
92 affecting the best interests of the child, (4) a guardian ad litem
93 appointed to represent a child in any court in litigation affecting the
94 best interests of the child, (5) the Department of Public Health, which
95 licenses any person to care for children for the purposes of
96 determining suitability of such person for licensure, subject to the
97 provisions of sections 17a-101g and 17a-101k, (6) any state agency
98 which licenses such person to educate or care for children pursuant to
99 section 10-145b or 17a-101j, subject to the provisions of sections 17a-
100 101g and 17a-101k concerning nondisclosure of findings of
101 responsibility for abuse and neglect, (7) the Governor, when requested
102 in writing, in the course of the Governor's official functions or the
103 Legislative Program Review and Investigations Committee, the joint
104 standing committee of the General Assembly having cognizance of
105 matters relating to the judiciary and the select committee of the
106 General Assembly having cognizance of matters relating to children
107 when requested in the course of said committees' official functions in
108 writing, and upon a majority vote of said committee, provided no
109 names or other identifying information shall be disclosed unless it is
110 essential to the legislative or gubernatorial purpose, (8) a local or
111 regional board of education, provided the records are limited to
112 educational records created or obtained by the state or Connecticut-
113 Unified School District #2, established pursuant to section 17a-37, (9) a
114 party in a custody proceeding under section 17a-112 or 46b-129, in the

115 Superior Court where such records concern a child who is the subject
116 of the proceeding or the parent of such child, (10) the Chief Child
117 Protection Attorney, or his or her designee, for purposes of ensuring
118 competent representation by the attorneys whom the Chief Child
119 Protection Attorney contracts with to provide legal and guardian ad
120 litem services to the subjects of such records and to ensure accurate
121 payments for services rendered by such contract attorneys, and (11)
122 the Department of Motor Vehicles, for purposes of checking the state's
123 child abuse and neglect registry pursuant to subsection (e) of section
124 14-44. A disclosure under this section shall be made of any part of a
125 record, whether or not created by the department, provided no
126 confidential record of the Superior Court shall be disclosed other than
127 the petition and any affidavits filed therewith in the superior court for
128 juvenile matters, except upon an order of a judge of the Superior Court
129 for good cause shown. The commissioner shall also disclose the name
130 of any individual who cooperates with an investigation of a report of
131 child abuse or neglect to such law enforcement agency or state's
132 attorney for purposes of investigating or prosecuting an allegation of
133 child abuse or neglect. The commissioner or the commissioner's
134 designee shall, upon request, subject to the provisions of sections 17a-
135 101g and 17a-101k, promptly provide copies of records, without the
136 consent of the person, to (A) the Department of Public Health for the
137 purpose of determining the suitability of a person to care for children
138 in a facility licensed under sections 19a-77 to 19a-80, inclusive, 19a-82
139 to 19a-87, inclusive, and 19a-87b, and (B) the Department of Social
140 Services for determining the suitability of a person for any payment
141 from the department for providing child care.

142 (g) When the commissioner or his designee determines it to be in a
143 person's best interest, the commissioner or his designee may disclose
144 records, whether or not created by the department and not otherwise
145 privileged or confidential communications under state or federal law,
146 without the consent of a person to:

147 (1) Multidisciplinary teams which are formed to assist the
148 department in investigation, evaluation or treatment of child abuse

149 and neglect cases or a multidisciplinary provider of professional
150 treatment services under contract with the department for a child
151 referred to the provider;

152 (2) Any agency in another state which is responsible for
153 investigating or protecting against child abuse or neglect for the
154 purpose of investigating a child abuse case;

155 (3) An individual, including a physician, authorized pursuant to
156 section 17a-101f to place a child in protective custody if such
157 individual has before him a child whom he reasonably suspects may
158 be a victim of abuse or neglect and such individual requires the
159 information in a record in order to determine whether to place the
160 child in protective custody;

161 (4) An individual or public or private agency responsible for a
162 person's care or custody and authorized by the department to
163 diagnose, care for, treat or supervise a child who is the subject of a
164 record of child abuse or neglect or a public or private agency
165 responsible for a person's education for a purpose related to the
166 individual's or agency's responsibilities;

167 (5) The Attorney General or any assistant attorney general
168 providing legal counsel for the department;

169 (6) Individuals or public or private agencies engaged in medical,
170 psychological or psychiatric diagnosis or treatment of a person
171 perpetrating the abuse or who is unwilling or unable to protect the
172 child from abuse or neglect when the commissioner or his designee
173 determines that the disclosure is needed to accomplish the objectives
174 of diagnosis or treatment;

175 (7) A person who reports child abuse pursuant to sections 17a-101a
176 to 17a-101c, inclusive, and section 17a-103, who made a report of abuse
177 involving the subject child, provided the information disclosed is
178 limited to (A) the status of the investigation and (B) in general terms,
179 any action taken by the department;

180 (8) An individual conducting bona fide research, provided no
181 information identifying the subjects of records shall be disclosed
182 unless (A) such information is essential to the purpose of the research;
183 (B) each person identified in a record or his authorized representative
184 has authorized such disclosure in writing; and (C) the department has
185 given written approval;

186 (9) The Auditors of Public Accounts or their representative,
187 provided no information identifying the subjects of the records shall be
188 disclosed unless such information is essential to an audit conducted
189 pursuant to section 2-90;

190 (10) The Department of Social Services, provided the information
191 disclosed is necessary to promote the health, safety and welfare of the
192 child;

193 (11) A judge of the Superior Court for purposes of determining the
194 appropriate disposition of a child convicted as delinquent or a child
195 who is a member of a family with service needs; and

196 (12) The superintendents, or their designees, of state-operated
197 facilities within the department.

198 (h) The commissioner or his designee may disclose the name,
199 address and fees for services to a person, to individuals or agencies
200 involved in the collection of fees for such services, except as provided
201 in section 17b-225. In cases where a dispute arises over such fees or
202 claims or where additional information is needed to substantiate the
203 fee or claim, such disclosure of further information shall be limited to
204 the following: (1) That the person was in fact committed to or
205 otherwise served by the department; (2) dates and duration of service;
206 and (3) a general description of the service, which shall include
207 evidence that a service or treatment plan exists and has been carried
208 out and evidence to substantiate the necessity for admission and
209 length of stay in any institution or facility.

210 (i) Notwithstanding the provisions of subsections (f) and (l) of this

211 section, the name of an individual reporting child abuse or neglect
212 shall not be disclosed without his written consent except to (1) an
213 employee of the department responsible for child protective services or
214 the abuse registry; (2) a law enforcement officer; (3) an appropriate
215 state's attorney; (4) an appropriate assistant attorney general; (5) a
216 judge of the Superior Court and all necessary parties in a court
217 proceeding pursuant to section 46b-129, or a criminal prosecution
218 involving child abuse or neglect; or (6) a state child care licensing
219 agency, executive director of any institution, school or facility or
220 superintendent of schools pursuant to section 17a-101i.

221 (j) Notwithstanding the provisions of subsection (g) of this section,
222 the name of any individual who cooperates with an investigation of a
223 report of child abuse or neglect shall be kept confidential upon request
224 or upon determination by the department that disclosure of such
225 information may be detrimental to the safety or interests of the
226 individual, except the name of any such individual shall be disclosed
227 to the persons listed in subsection (i) of this section.

228 (k) Notwithstanding the confidentiality provisions of this section,
229 the commissioner, upon request of an employee, shall disclose such
230 records to such employee or his authorized representative which
231 would be applicable and necessary for the purposes of an employee
232 disciplinary hearing or appeal from a decision after such hearing.

233 (l) Information disclosed from a person's record shall not be
234 disclosed further without the written consent of the person, except if
235 disclosed to a party or his counsel pursuant to an order of a court in
236 which a criminal prosecution or an abuse, neglect, commitment or
237 termination proceeding against the party is pending. A state's attorney
238 shall disclose to the defendant or his counsel in a criminal prosecution,
239 without the necessity of a court order, exculpatory information and
240 material contained in such record and may disclose, without a court
241 order, information and material contained in such record which could
242 be the subject of a disclosure order. All written records disclosed to
243 another individual or agency shall bear a stamp requiring

244 confidentiality in accordance with the provisions of this section. Such
245 material shall not be disclosed to anyone without written consent of
246 the person or as provided by this section. A copy of the consent form
247 specifying to whom and for what specific use the record is disclosed or
248 a statement setting forth any other statutory authorization for
249 disclosure and the limitations imposed thereon shall accompany such
250 record. In cases where the disclosure is made orally, the individual
251 disclosing the information shall inform the recipient that such
252 information is governed by the provisions of this section.

253 (m) In addition to the right of access provided in section 1-210, any
254 person, regardless of age, his authorized representative or attorney
255 shall have the right of access to any records made, maintained or kept
256 on file by the department, whether or not such records are required by
257 any law or by any rule or regulation, when those records pertain to or
258 contain information or materials concerning the person seeking access
259 thereto, including but not limited to records concerning investigations,
260 reports, or medical, psychological or psychiatric examinations of the
261 person seeking access thereto, provided that (1) information
262 identifying an individual who reported abuse or neglect of a person,
263 including any tape recording of an oral report pursuant to section 17a-
264 103, shall not be released unless, upon application to the Superior
265 Court by such person and served on the Commissioner of Children
266 and Families, a judge determines, after in camera inspection of
267 relevant records and a hearing, that there is reasonable cause to believe
268 the reporter knowingly made a false report or that other interests of
269 justice require such release; and (2) if the commissioner determines
270 that it would be contrary to the best interests of the person or his
271 authorized representative or attorney to review the records, he may
272 refuse access by issuing to such person or representative or attorney a
273 written statement setting forth the reasons for such refusal, and advise
274 the person, his authorized representative or attorney of the right to
275 seek judicial relief. When any person, attorney or authorized
276 representative, having obtained access to any record, believes there are
277 factually inaccurate entries or materials contained therein, he shall

278 have the unqualified right to add a statement to the record setting
279 forth what he believes to be an accurate statement of those facts, and
280 said statement shall become a permanent part of said record.

281 (n) (1) Any person, attorney or authorized representative aggrieved
282 by a violation of subsection (b), (f), (g), (h), (i), (j) or (l) of this section or
283 of subsection (m) of this section, except subdivision (2) of said
284 subsection (m), may seek judicial relief in the same manner as
285 provided in section 52-146j; (2) any person, attorney or authorized
286 representative denied access to records by the commissioner under
287 subdivision (2) of subsection (m) of this section may petition the
288 superior court for the venue district provided in section 46b-142 in
289 which the person resides for an order requiring the commissioner to
290 permit access to those records, and the court after hearing, and an in
291 camera review of the records in question, shall issue such an order
292 unless it determines that to permit such access would be contrary to
293 the best interests of the person or authorized representative.

294 (o) The commissioner shall promulgate regulations pursuant to
295 chapter 54, within one year of October 1, 1996, to establish procedures
296 for access to and disclosure of records consistent with the provisions of
297 this section.]

298 (f) The name of any individual who reports suspected abuse or
299 neglect of a child or youth or cooperates with an investigation of child
300 abuse or neglect shall be kept confidential upon request or upon
301 determination by the department that disclosure of such information
302 may be detrimental to the safety or interests of the individual, except
303 the name of any such individual shall be disclosed to (1) an employee
304 of the department for reasons reasonably related to the business of the
305 department, (2) a law enforcement officer for purposes of investigating
306 abuse or neglect of a child or youth, (3) a state's attorney for purposes
307 of investigating or prosecuting abuse or neglect of a child or youth, (4)
308 an assistant attorney general or other legal counsel representing the
309 department, (5) a judge of the Superior Court and all necessary parties
310 in a court proceeding pursuant to section 17a-112 or 46b-129, or a

311 criminal prosecution involving child abuse or neglect, (6) a state child
312 care licensing agency, or (7) the executive director of any institution,
313 school or facility or superintendent of schools pursuant to section 17a-
314 101i.

315 (g) The department shall disclose records, without the consent of the
316 person who is the subject of the record, to:

317 (1) An employee of the department for any purpose reasonably
318 related to the business of the department;

319 (2) A guardian ad litem or attorney appointed to represent a child or
320 youth in litigation affecting the best interests of the child or youth;

321 (3) The Attorney General, any assistant attorney general or any
322 other legal counsel retained to represent the department during the
323 course of a legal proceeding involving the department or an individual
324 employee of the department;

325 (4) The Child Advocate or the Child Advocate's designee;

326 (5) The Chief Child Protection Attorney or the Chief Child
327 Protection Attorney's designee;

328 (6) The Chief State's Attorney or the Chief State's Attorney's
329 designee for purposes of investigating or prosecuting an allegation of
330 child abuse or neglect, provided such prosecuting authority shall have
331 access to such records of a delinquency defendant, who is not being
332 charged with an offense related to child abuse, only while the case is
333 being prosecuted and after obtaining a release;

334 (7) A state or federal law enforcement officer for purposes of
335 investigating an allegation of child abuse or neglect;

336 (8) Any foster or prospective adoptive parent, if the records pertain
337 to a child or youth currently placed with the foster or prospective
338 adoptive parent, or a child or youth being considered for placement
339 with the foster or prospective adoptive parent and the records are

340 necessary to address the social, medical, psychological or educational
341 needs of the child or youth, provided no information identifying a
342 biological parent is disclosed without the permission of such biological
343 parent;

344 (9) The Governor, when requested in writing in the course of the
345 Governor's official functions, the Legislative Program Review and
346 Investigations Committee, the joint standing committees of the General
347 Assembly having cognizance of matters relating to human services and
348 the judiciary and the select committee of the General Assembly having
349 cognizance of matters relating to children, when requested in writing
350 in the course of said committees' official functions, and upon a
351 majority vote of said committees, provided no names or other
352 identifying information is disclosed unless it is essential to the
353 gubernatorial or legislative purpose;

354 (10) The Department of Public Health, subject to the provisions of
355 section 17a-101g and section 17a-101k, as amended by this act, for the
356 purpose of (A) determining the suitability of a person to care for
357 children in a facility licensed pursuant to section 19a-77, 19a-80 or 19a-
358 87b, or (B) determining the suitability of such person for licensure;

359 (11) A state agency that licenses or certifies a person to educate or
360 care for children or youth, subject to the provisions of section 17a-101g
361 and section 17a-101k, as amended by this act, concerning
362 nondisclosure of findings of responsibility for abuse and neglect;

363 (12) A judge of the Probate Court where the Probate Court has
364 requested an investigative report by the Department of Children and
365 Families for the purpose of determining custody, provided disclosure
366 is limited to those records necessary for preparation of the
367 investigative report;

368 (13) A judge of the Superior Court for purposes of determining the
369 appropriate disposition of a child convicted as delinquent or a child
370 who is a member of a family with service needs, or a judge of the
371 Superior Court in a criminal prosecution for purposes of in camera

372 inspection whenever (A) the court has ordered that the record be
373 provided to the court; or (B) a party to the proceeding has issued a
374 subpoena for the record;

375 (14) The Auditors of Public Accounts or their representative,
376 provided no information identifying the subject of the record is
377 disclosed unless such information is essential to an audit conducted
378 pursuant to section 2-90;

379 (15) A local or regional board of education, provided the records are
380 limited to educational records created or obtained by the state or
381 Unified School District #2, established pursuant to section 17a-37;

382 (16) The Department of Motor Vehicles for the purpose of criminal
383 history records checks pursuant to subsection (e) of section 14-44; and

384 (17) The Department of Mental Health and Addiction Services for
385 the purpose of treatment planning for young adults who have
386 transitioned from the care of the Department of Children and Families.

387 (h) The department may disclose records without the consent of the
388 person who is the subject of the record, to:

389 (1) A law enforcement officer or state's attorney if there is
390 reasonable cause to believe that a child or youth is being abused or
391 neglected or at risk of being abused or neglected as a result of any
392 suspected criminal activity by any person;

393 (2) Any individual interviewed as part of an investigation
394 conducted pursuant to section 17a-101g, who is not otherwise entitled
395 to such information, provided such disclosure is limited to: (A) The
396 general nature of the allegations contained in the reports; (B) the
397 identity of the child or youth alleged to have been abused or neglected;
398 (C) the identity of the alleged perpetrator; and (D) information
399 necessary to further the course of the investigation;

400 (3) Any individual, when information concerning an incident of
401 abuse or neglect has been made public or when the commissioner

402 reasonably believes publication of such information is likely, (A)
403 provided such disclosure is limited to: (i) Whether the department has
404 received a report in accordance with sections 17a-101a to 17a-101c,
405 inclusive, or section 17a-103, and (ii) in general terms, any action taken
406 by the department, and (B) the following information is not disclosed:
407 (i) The names or other individually identifiable information of the
408 minor victim or other family member, and (ii) the name or other
409 individually identifiable information of the person suspected to be
410 responsible for the abuse or neglect is not disclosed unless such person
411 has been arrested for a crime due to such abuse or neglect;

412 (4) Any individual for the purposes of locating a missing parent,
413 child or youth, provided such disclosure is limited to information that
414 assists in locating such missing parent, child or youth;

415 (5) Any individual, when the information or findings concern an
416 incident of abuse or neglect that resulted in a child or youth fatality or
417 near fatality of a child or youth, and provided disclosure of such
418 information or findings is in general terms and does not jeopardize a
419 pending investigation;

420 (6) A court of competent jurisdiction whenever an employee of the
421 department is subpoenaed and ordered to testify about such records;

422 (7) Individuals not employed by the department who arrange,
423 perform or assist in performing functions or activities on behalf of the
424 department, including, but not limited to, data analysis, processing or
425 administration, utilization reviews, quality assurance, practice
426 management, consultation, data aggregation and accreditation
427 services;

428 (8) A person who is named in the record or such person's
429 authorized representative, provided (A) such person only has access to
430 information about such person or such person's biological or adoptive
431 minor children and provided such person's parental rights to such
432 children have not been terminated; and (B) information identifying an
433 individual who reported abuse or neglect of a person, including any

434 tape recording of an oral report pursuant to section 17a-103, is not
435 disclosed unless, upon application to the Superior Court by such
436 person and served on the Commissioner of Children and Families, a
437 judge determines after an in camera inspection of relevant records and
438 a hearing that there is reasonable cause to believe the reporter
439 knowingly made a false report or that other interests of justice require
440 such disclosure;

441 (9) An employee or former employee of the department or such
442 employee or former employee's authorized representative for purposes
443 of participating in litigation in any court or in any administrative or
444 disciplinary hearing or other proceeding or appeal from decision after
445 such hearing, provided such disclosure shall be limited to those
446 records that are applicable and necessary for the purpose of such
447 hearing or appeal, as determined by the department;

448 (10) Multidisciplinary teams pursuant to the provisions of section
449 17a-106a;

450 (11) A provider of professional services for a child or youth or
451 parent referred to the provider, provided disclosure is limited to such
452 information necessary to provide services to the child or youth or
453 parent;

454 (12) An individual or agency under contract with the department
455 for the purpose of identifying and assessing potential foster homes or
456 prospective adoptive homes for a child or youth who is the subject of
457 the record, provided no information that identifies a biological parent
458 of a child or youth is further disclosed without the permission of such
459 biological parent;

460 (13) The Department of Social Services, subject to the provisions of
461 section 17a-101g and section 17a-101k, as amended by this act, for the
462 purpose of (A) determining the suitability of a person for any payment
463 from the Department of Social Services for providing child care; or (B)
464 promoting the health, safety and welfare of the child or youth;

465 (14) The Department of Developmental Services for the purposes of
466 eligibility and enrollment and service planning of clients in the
467 voluntary services program operated by the Department of
468 Developmental Services;

469 (15) An individual, including a physician, authorized pursuant to
470 section 17a-101f to place a child or youth in protective custody if such
471 individual has before him or her a child or youth whom the individual
472 reasonably suspects may be the victim of abuse or neglect and such
473 individual requires the information in a record in order to determine
474 whether the child or youth should be placed in protective custody;

475 (16) An individual who reports child abuse pursuant to sections
476 17a-101a to 17a-101c, inclusive, and section 17a-103, who made a report
477 of abuse involving the subject child or youth, provided the information
478 disclosed is limited to (A) the status of the investigation, and (B) in
479 general terms, any action taken by the department;

480 (17) An individual or public or private agency engaged in medical,
481 psychological or psychiatric diagnosis or treatment of a person who
482 has perpetrated abuse or neglect or who is unwilling or unable to
483 protect the child or youth from abuse or neglect when the
484 commissioner, or the commissioner's designee, determines that the
485 disclosure is needed to accomplish the objectives of diagnosis or
486 treatment;

487 (18) A court or public agency in another state or a federally
488 recognized Indian tribe, which is responsible for investigating or
489 protecting children against abuse or neglect or providing services to
490 families at risk of abuse or neglect, for the purpose of investigating or
491 protecting children against abuse or neglect or providing services to
492 such family;

493 (19) An individual conducting bona fide research, provided no
494 information identifying the subject of the record shall be disclosed
495 unless (A) such information is essential to the purpose of the research;
496 and (B) the department has given written approval; and

497 (20) An individual or agency involved in the collection of fees for
498 services, provided such information is limited to the name and address
499 of the person who received the services and the fees for services,
500 except as provided in section 17b-225. In cases where a dispute arises
501 over such fees or claims or where additional information is needed to
502 substantiate the fee or claim, such disclosure of further information
503 shall be limited to the following: (A) That the person was, in fact,
504 provided services by the department; (B) dates and duration of service;
505 and (C) a general description of the service, which includes evidence
506 that a service or treatment plan exists and has been carried out, and
507 evidence to substantiate the necessity for admission and length of stay
508 in any institution or facility;

509 (i) Notwithstanding the provisions of subsections (e) to (h),
510 inclusive, of this section, the department may refuse to disclose records
511 to any individual, provided the department gives such individual
512 notice (1) that records are being withheld, (2) of the general nature of
513 the records being withheld, (3) of the department's reason for refusing
514 to disclose the records, and (4) of the individual's right to judicial relief
515 pursuant to subsection (j) of this section.

516 (j) Any person (1) aggrieved by a violation of subsection (b) or (d),
517 subsections (f) to (h), inclusive, or subsection (l) of this section, or the
518 person's authorized representative, may seek judicial relief in the
519 manner prescribed in section 52-146j, or (2) denied access to records by
520 the department under subsection (i) of this section, or the person's
521 authorized representative, may petition the superior court for juvenile
522 matters for the venue district, established pursuant to section 46b-142,
523 in which the person resides for an order requiring the commissioner to
524 permit access to the records, and the court, after a hearing and an in
525 camera review of the records in question, shall issue such order unless
526 it determines that permitting such disclosure of all or any portion of
527 the record (A) would be contrary to the best interests of the person, the
528 person's authorized representative or the person who is the subject of
529 the record; (B) could reasonably result in the risk of harm to any
530 person; or (C) would contravene the public policy of the state.

531 (k) A party to a civil proceeding may petition the superior court for
532 juvenile matters for the venue district, established pursuant to section
533 46b-142, in which the party resides for an order authorizing disclosure
534 of the record of another party to the civil proceeding, provided the
535 court, after an in camera inspection, finds the records are material and
536 relevant to those proceedings and that good cause exists to disclose
537 such records. For purposes of this subsection, good cause exists, but is
538 not limited to, situations in which there are no other available means of
539 obtaining the information sought in such record by the party seeking
540 such record.

541 (l) All written records disclosed to another individual or agency
542 shall bear a stamp requiring confidentiality in accordance with the
543 provisions of this section. Such material shall not be disclosed to
544 anyone without the written consent of the person or as provided by
545 this section. A copy of the consent form specifying to whom and for
546 what specific use the record is disclosed or a statement setting forth
547 any other statutory authorization for disclosure and the limitations
548 imposed on such disclosure, shall accompany the record. In cases
549 where the disclosure is made orally, the individual disclosing the
550 information shall inform the recipient that such information is
551 governed by the provisions of this section.

552 (m) Whenever any person, attorney or authorized representative,
553 having obtained access to any record, believes there are factually
554 inaccurate entries or materials contained in such record, such person
555 may add a statement to the record setting forth what such person
556 believes to be an accurate statement of those facts and such statement
557 shall become a permanent part of the record.

558 Sec. 2. Subdivision (1) of subsection (c) of section 17a-101k of the
559 general statutes is repealed and the following is substituted in lieu
560 thereof (*Effective October 1, 2009*):

561 (c) (1) Following a request for appeal, the commissioner or the
562 commissioner's designee shall conduct an internal review of the

563 recommended finding to be completed no later than thirty days after
 564 the request for appeal is received by the department. The
 565 commissioner or the commissioner's designee shall review all relevant
 566 information relating to the recommended finding, to determine
 567 whether the recommended finding is factually or legally deficient and
 568 ought to be reversed. Prior to the review, the commissioner shall
 569 provide the individual access to all relevant documents in the
 570 possession of the commissioner regarding the finding of responsibility
 571 for abuse or neglect of a child, as provided in [subsection (m) of]
 572 section 17a-28, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	17a-28
Sec. 2	October 1, 2009	17a-101k(c)(1)

JUD *Joint Favorable Subst.*